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Amendment

LCO No. 4451

HB0534204451HDO

Offered by:

REP. BERGER, 73rd Dist.
SEN. LEBEAU, 3rd Dist.
REP. CAMILLO, 151st Dist.
SEN. FRANTZ, 36th Dist.
REP. ALDARONDO, 75th Dist.
REP. BUTLER, 72nd Dist.
REP. D'AMELIO, 71st Dist.

REP. NOUJAIM, 74th Dist.
REP. SERRA, 33rd Dist.
REP. WILLIAMS, 68th Dist.
REP. MEGNA, 97th Dist.
REP. GENTILE, 104th Dist.
REP. JANOWSKI, 56th Dist.

To: Subst. House Bill No. 5342

File No. 441

Cal. No. 338

**"AN ACT CONCERNING REVISIONS TO THE STATE'S
BROWNFIELD REMEDIATION AND DEVELOPMENT STATUTES."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsection (a) of section 32-9kk of the 2012 supplement
4 to the general statutes is repealed and the following is substituted in
5 lieu thereof (*Effective July 1, 2012*):

6 (a) As used in subsections (b) to (k), inclusive, of this section:

7 (1) "Brownfield" means any abandoned or underutilized site where
8 redevelopment, reuse or expansion has not occurred due to the
9 presence or potential presence of pollution in the buildings, soil or

10 groundwater that requires investigation or remediation before or in
11 conjunction with the restoration, redevelopment and reuse of the
12 property;

13 (2) "Commissioner" means the Commissioner of Economic and
14 Community Development;

15 (3) "Department" means the Department of Economic and
16 Community Development;

17 (4) "Eligible applicant" means any municipality [, a for-profit or
18 nonprofit organization or entity, a local or regional] or economic
19 development [entity acting on behalf of a municipality] agency or any
20 combination thereof;

21 (5) "Financial assistance" means grants, extensions of credit, loans or
22 loan guarantees, participation interests in loans made to eligible
23 applicants by the Connecticut Development Authority or combinations
24 thereof;

25 (6) "Municipality" means a town, city, consolidated town and city or
26 consolidated town and borough;

27 (7) "Eligible brownfield project" means the foreclosure,
28 investigation, assessment, remediation and development of a
29 brownfield undertaken pursuant to this subsection and subsections (b)
30 to (k), inclusive, of this section;

31 (8) "Project area" means the area within which a brownfield
32 development project is located;

33 (9) "Real property" means land, buildings and other structures and
34 improvements thereto, subterranean or subsurface rights, any and all
35 easements, air rights and franchises of any kind or nature;

36 (10) "State" means the state of Connecticut; [and]

37 (11) "Eligible grant recipients" means municipalities [,] or economic

38 development [authorities, regional economic development authorities,
39 or qualified nonprofit community and economic development
40 corporations] agencies; and

41 (12) "Economic development agency" means (A) a municipal
42 economic development agency or entity created or operating under
43 chapter 130 or 132; (B) a nonprofit economic development corporation
44 formed to promote the common good, general welfare and economic
45 development of a municipality that is funded, either directly or
46 through in-kind services, in part by a municipality; or (C) a nonstock
47 corporation or limited liability company established or controlled by a
48 municipality, municipal economic development agency or an entity
49 created or operating under chapter 130 or 132.

50 Sec. 2. Subsection (f) of section 32-9kk of the 2012 supplement to the
51 general statutes is repealed and the following is substituted in lieu
52 thereof (*Effective July 1, 2012*):

53 (f) (1) The Department of Economic and Community Development
54 shall develop a targeted brownfield development loan program to
55 provide financial assistance in the form of low-interest loans to eligible
56 applicants who are potential brownfield purchasers who have no
57 direct or related liability for the site conditions and eligible applicants
58 who are existing property owners who (A) are currently in good
59 standing and otherwise compliant with the Department of Energy and
60 Environmental Protection's regulatory programs, (B) demonstrate an
61 inability to fund the investigation and cleanup themselves, and (C)
62 cannot retain or expand jobs due to the costs associated with the
63 investigating and remediating of the contamination.

64 (2) The commissioner shall provide low-interest loans to eligible
65 applicants who are purchasers or existing property owners pursuant to
66 this section who seek to develop property for purposes of retaining or
67 expanding jobs in the state or for developing affordable housing [to
68 serve the needs of first-time home buyers] units, suitable for first-time
69 home buyers, incentive housing zones, workforce housing and other

70 residential purposes, as approved by the commissioner. Loans shall be
71 available to manufacturing, retail, residential or mixed-use
72 developments, expansions or reuses. The commissioner shall provide
73 loans based upon project merit and viability, the economic and
74 community development opportunity, municipal support,
75 contribution to the community's tax base, number of jobs, past
76 experience of the applicant, compliance history and ability to pay.

77 (3) Any loan recipient who is a brownfields purchaser and who (A)
78 receives a loan in excess of thirty thousand dollars, or (B) uses loan
79 proceeds to perform a Phase II environmental investigation, shall be
80 subject to section 22a-134a or shall enter a voluntary program for
81 remediation of the property with the Department of Energy and
82 Environmental Protection. Any loan recipient who is an existing
83 property owner shall enter a voluntary program with the Department
84 of Energy and Environmental Protection.

85 (4) Loans made pursuant to this subsection shall have such terms
86 and conditions and shall be subject to such eligibility, loan approval
87 and criteria, as determined by the commissioner. Such conditions shall
88 include, but not be limited to, performance requirements and
89 commitments to maintain or retain jobs or provide a specified number
90 of affordable housing units. Loan repayment shall coincide with the
91 restoration of the site to a productive use or the completion of the
92 expansion. Such loans shall be for a period not to exceed twenty years.

93 (5) If the property is sold before loan repayment, the loan is payable
94 upon closing, with interest, unless the commissioner agrees otherwise.
95 The commissioner may carry the loan forward as an encumbrance to
96 the purchaser with the same terms and conditions as the original loan.

97 (6) Loans made pursuant to this subsection may be used for any
98 purpose, including the present or past costs of investigation,
99 assessment, remediation, abatement, hazardous materials or waste
100 disposal, long-term groundwater or natural attenuation monitoring,
101 costs associated with an environmental land use restriction, attorneys'

102 fees, planning, engineering and environmental consulting costs, and
103 building and structural issues, including demolition, asbestos
104 abatement, polychlorinated biphenyls removal, contaminated wood or
105 paint removal, and other infrastructure remedial activities.

106 (7) For any loan made pursuant to this subsection that is greater
107 than fifty thousand dollars, the applicant shall submit a redevelopment
108 plan that describes how the property will be used or reused for
109 commercial, industrial, residential or mixed-use development and how
110 it will result in jobs and private investment in the community. For any
111 residential development loan pursuant to this subsection, the
112 developer shall agree that the development will provide the affordable
113 housing needs reasonable and appropriate for first-time home buyers
114 or for workforce housing or recent college graduates looking to remain
115 in this state.

116 (8) The loan program established pursuant to this subsection shall
117 be available to all qualified new and existing property owners.
118 Recipients who use loans for commercial, industrial or mixed-use
119 development shall agree to retain or add jobs, during the term of the
120 loan, unless otherwise agreed to by the Department of Economic and
121 Community Development, the Connecticut Development Authority
122 and the Connecticut Brownfield Redevelopment Authority. The
123 residential developer shall agree to retire the loan upon sale of the
124 units unless the development will be apartments.

125 (9) Each loan recipient pursuant to this subsection may be eligible
126 for up to two million dollars per year for up to two years, subject to
127 agency underwriting and reasonable and customary requirements to
128 assure performance. If additional funds are needed, the Commissioner
129 of Economic and Community Development may recommend that the
130 project be funded through the State Bond Commission.

131 (10) The loan program established pursuant to this subsection shall
132 be available to all municipalities and economic development agencies,
133 and the commissioner may modify the terms of any such loan to a

134 municipality or economic development agency to provide for
135 forgiveness of interest, principal, or both, or delay in repayment of
136 interest, principal, or both, when the commissioner has determined
137 such forgiveness or delay is in the best interest of the state.

138 Sec. 3. Subsection (j) of section 32-9kk of the 2012 supplement to the
139 general statutes is repealed and the following is substituted in lieu
140 thereof (*Effective July 1, 2012*):

141 (j) The commissioner may use any available funds for financial
142 assistance under the provisions of subsections (a) to (k), inclusive, of
143 this section and may use such funds for the staffing, marketing and
144 web site development for the programs established pursuant to
145 subsections (a) to (k), inclusive, of this section and the administration
146 of the Office of Brownfield Remediation and Development established
147 pursuant to section 32-9cc, provided such costs do not exceed four per
148 cent of any such funds authorized.

149 Sec. 4. Subsection (l) of section 32-9kk of the 2012 supplement to the
150 general statutes is repealed and the following is substituted in lieu
151 thereof (*Effective July 1, 2012*):

152 (l) There is established a separate nonlapsing account within the
153 General Fund to be known as the "brownfield remediation and
154 development account". There shall be deposited in the account: (1) The
155 proceeds of bonds issued by the state for deposit into said account and
156 used in accordance with this section; (2) repayments of assistance
157 provided pursuant to subsection (c) of section 22a-133u; (3) interest or
158 other income earned on the investment of moneys in the account; (4)
159 funds recovered pursuant to [subsection] subsections (i) and (k) of this
160 section; and (5) all funds required by law to be deposited in the
161 account. Repayment of principal and interest on loans made pursuant
162 to subsections (a) to (k), inclusive, of this section shall be credited to
163 such account and shall become part of the assets of the account. Any
164 balance remaining in such account at the end of any fiscal year shall be
165 carried forward in the account for the fiscal year next succeeding.

166 Sec. 5. (NEW) (*Effective from passage*) Notwithstanding any provision
167 of chapter 439 of the general statutes or any special act, the Secretary of
168 the Office of Policy and Management may exempt any project the
169 secretary deems to have regional significance that involves an urban
170 health care institution from the requirements of sections 22a-1a to 22a-
171 1c, inclusive, of the general statutes, provided the secretary shall
172 consider the public's health and safety when making any such
173 exemption.

174 Sec. 6. Section 32-9mm of the 2012 supplement to the general
175 statutes is repealed and the following is substituted in lieu thereof
176 (*Effective July 1, 2012*):

177 (a) As used in this section:

178 (1) "Bona fide prospective purchaser" means a person that acquires
179 ownership of a property after July 1, 2011, and establishes by a
180 preponderance of the evidence that:

181 (A) All disposal of regulated substances at the property occurred
182 before the person acquired the property;

183 (B) Such person made all appropriate inquiries, as set forth in 40
184 CFR Part 312, into the previous ownership and uses of the property in
185 accordance with generally accepted good commercial and customary
186 standards and practices, including, but not limited to, the standards
187 and practices set forth in the ASTM Standard Practice for
188 Environmental Site Assessments, Phase I Environmental Site
189 Assessment Process, E1527-05, as may be amended from time to time.
190 In the case of property in residential or other similar use at the time of
191 purchase by a nongovernmental or noncommercial entity, a property
192 inspection and a title search that reveal no basis for further
193 investigation shall be considered to satisfy the requirements of this
194 subparagraph;

195 (C) Such person provides all legally required notices with respect to
196 the discovery or release of any regulated substances at the property;

197 (D) Such person exercises appropriate care with respect to regulated
198 substances found at the property by taking reasonable steps to (i) stop
199 any continuing release, (ii) prevent any threatened future release, and
200 (iii) prevent or limit human, environmental or natural resource
201 exposure to any previously released regulated substance;

202 (E) Such person provides full cooperation, assistance and access to
203 persons authorized to conduct response actions or natural resource
204 restoration at the property, including, but not limited to, the
205 cooperation and access necessary for the installation, integrity,
206 operation and maintenance of any complete or partial response actions
207 or natural resource restoration at the property;

208 (F) Such person complies with any land use restrictions established
209 or relied on in connection with the response action at the property and
210 does not impede the effectiveness or integrity of any institutional
211 control employed at the property in connection with a response action;
212 and

213 (G) Such person complies with any request for information from the
214 Commissioner of Energy and Environmental Protection.

215 (2) "Brownfield" has the same meaning as provided in section 32-
216 9kk, as amended by this act.

217 (3) "Brownfield investigation plan and remediation schedule" means
218 a plan and schedule for investigation and a schedule for remediation
219 of an eligible property under this section. Such investigation plan and
220 remediation schedule shall include both interim status or other
221 appropriate interim target dates and a date for project completion not
222 later than [five] eight years after a licensed environmental professional
223 submits such investigation plan and remediation schedule to the
224 Commissioner of Energy and Environmental Protection, provided the
225 Commissioner of Energy and Environmental Protection may extend
226 such dates for good cause. The plan shall provide a schedule for
227 activities including, but not limited to, completion of the investigation
228 of the property in accordance with prevailing standards and

229 guidelines, submittal of a complete investigation report, submittal of a
230 detailed written plan for remediation, publication of notice of remedial
231 actions, completion of remediation in accordance with standards
232 adopted by said commissioner pursuant to section 22a-133k and
233 submittal to said commissioner of a remedial action report. Except as
234 otherwise provided in this section, in any detailed written plan for
235 remediation submitted under this section, the applicant shall only be
236 required to investigate and remediate conditions existing within the
237 property boundaries and shall not be required to investigate or
238 remediate any pollution or contamination that exists outside of the
239 property's boundaries, including any contamination that may exist or
240 has migrated to sediments, rivers, streams or off site.

241 (4) "Commissioner" means the Commissioner of Economic and
242 Community Development.

243 (5) "Contiguous property owner" means a person who owns real
244 property contiguous to or otherwise similarly situated with respect to,
245 and that is or may be contaminated by a release or threatened release
246 of a regulated substance from, real property that is not owned by that
247 person, provided:

248 (A) With respect to the property owned by such person, such person
249 takes reasonable steps to (i) stop any continuing release of any
250 regulated substance released on or from the property, (ii) prevent any
251 threatened future release of any regulated substance released on or
252 from the property, and (iii) prevent or limit human, environmental or
253 natural resource exposure to any regulated substance released on or
254 from the property;

255 (B) Such person provides full cooperation, assistance and access to
256 persons authorized to conduct response actions or natural resource
257 restoration at the property from which there has been a release or
258 threatened release, including, but not limited to, the cooperation and
259 access necessary for the installation, integrity, operation and
260 maintenance of any complete or partial response action or natural

261 resource restoration at the property;

262 (C) Such person complies with any land use restrictions established
263 or relied on in connection with the response action at the property and
264 does not impede the effectiveness or integrity of any institutional
265 control employed in connection with a response action;

266 (D) Such person complies with any request for information from the
267 Commissioner of Energy and Environmental Protection; and

268 (E) Such person provides all legally required notices with respect to
269 the discovery or release of any hazardous substances at the property.

270 (6) "Distressed municipality" has the same meaning as provided in
271 section 32-9p.

272 (7) "Economic development agency" means a municipality,
273 municipal economic development agency or entity created or
274 operating under chapter 130 or 132, nonprofit economic development
275 corporation formed to promote the common good, general welfare and
276 economic development of a municipality that is funded, either directly
277 or through in-kind services, in part by a municipality, or nonstock
278 corporation or limited liability company established or controlled by a
279 municipality, municipal economic development agency or entity
280 created or operating under chapter 130 or 132.

281 (8) "Innocent landowner" has the same meaning as provided in
282 section 22a-452d.

283 (9) "Interim verification" has the same meaning as provided in
284 section 22a-134.

285 (10) "Municipality" [means any town, city or borough] has the same
286 meaning as in section 32-9kk, as amended by this act.

287 (11) "National priorities list" means the list of hazardous waste
288 disposal sites compiled by the United States Environmental Protection
289 Agency pursuant to 42 USC 9605.

290 (12) "PCB regulations" means the polychlorinated biphenyls
291 manufacturing, processing, distribution in commerce and use
292 prohibitions found at 40 CFR Part 761.

293 (13) "Person" means any individual, firm, partnership, association,
294 syndicate, company, trust, corporation, limited liability company,
295 municipality, economic development agency, agency or political or
296 administrative subdivision of the state and any other legal entity.

297 (14) "Principles of smart growth" means standards and objectives
298 that support and encourage smart growth when used to guide actions
299 and decisions, including, but not limited to, standards and criteria for
300 (A) integrated planning or investment that coordinates tax,
301 transportation, housing, environmental and economic development
302 policies at the state, regional and local level, (B) the reduction of
303 reliance on the property tax by municipalities by creating efficiencies
304 and coordination of services on the regional level while reducing
305 interlocal competition for grand list growth, (C) the redevelopment of
306 existing infrastructure and resources, including, but not limited to,
307 brownfields and historic places, (D) transportation choices that
308 provide alternatives to automobiles, including rail, public transit,
309 bikeways and walking, while reducing energy consumption, (E) the
310 development or preservation of housing affordable to households of
311 varying income in locations proximate to transportation or
312 employment centers or locations compatible with smart growth, (F)
313 concentrated, mixed-use, mixed income development proximate to
314 transit nodes and civic, employment or cultural centers, and (G) the
315 conservation and protection of natural resources by (i) preserving open
316 space, water resources, farmland, environmentally sensitive areas and
317 historic properties, and (ii) furthering energy efficiency.

318 (15) "Regulated substance" means any element, compound or
319 material that, when added to air, water, soil or sediment, may alter the
320 physical, chemical, biological or other characteristic of such air, water,
321 soil or sediment.

322 (16) "Release" means any discharge, spillage, uncontrolled loss,
323 seepage, filtration, leakage, injection, escape, dumping, pumping,
324 pouring, emitting, emptying or disposal of a substance.

325 (17) "Remediation standards" has the same meaning as provided in
326 section 22a-134.

327 (18) "RCRA" means the Resource Conservation and Recovery Act
328 promulgated pursuant to 42 USC.

329 (19) "Smart growth" means economic, social and environmental
330 development that (A) promotes, through financial and other
331 incentives, economic competitiveness in the state while preserving
332 natural resources, and (B) uses a collaborative approach to planning,
333 decision-making and evaluation between and among all levels of
334 government and the communities and the constituents they serve.

335 (20) "State of Connecticut Superfund Priority List" means the list of
336 hazardous waste disposal sites compiled by the Connecticut
337 Department of Energy and Environmental Protection pursuant to
338 section 22a-133f.

339 (21) "Transit-oriented development" has the same meaning as
340 provided in section 13b-79o.

341 (22) "UST regulations" means regulations adopted pursuant to
342 subsection (d) of section 22a-449.

343 (23) "Verification" has the same meaning as provided in section 22a-
344 134.

345 (b) The commissioner shall, within available appropriations,
346 establish a brownfield remediation and revitalization program to
347 provide certain liability protections to program participants. Not more
348 than thirty-two properties a year shall be accepted into the program.
349 Participation in the program shall be by accepted application pursuant
350 to this subsection or by approved nomination pursuant to subsection
351 (d) of this section. To be considered for acceptance, [into the program

352 established pursuant to this subsection,] an applicant shall submit to
353 the commissioner, on a form prescribed by the commissioner, a
354 certification that: (1) The applicant meets the definition of a bona fide
355 prospective purchaser, innocent land owner or contiguous property
356 owner; (2) the property meets the definition of a brownfield and has
357 been subject to a release of a regulated substance in an amount that is
358 in excess of the remediation standards; (3) the applicant did not
359 establish, create or maintain a source of pollution to the waters of the
360 state for purposes of section 22a-432 and is not responsible pursuant to
361 any other provision of the general statutes for any pollution or source
362 of pollution on the property; (4) the applicant is not affiliated with any
363 person responsible for such pollution or source of pollution through
364 any direct or indirect familial relationship or any contractual, corporate
365 or financial relationship other than that by which such purchaser's
366 interest in such property is to be conveyed or financed; and (5) the
367 property is not currently the subject of an enforcement action,
368 including any consent order issued by the Department of Energy and
369 Environmental Protection or the United States Environmental
370 Protection Agency under any current Department of Energy and
371 Environmental Protection or United States Environmental Protection
372 Agency program, listed on the national priorities list, listed on the
373 State of Connecticut Superfund Priority List, or subject to corrective
374 action as may be required by RCRA. The commissioner may review
375 such certifications to ensure accuracy, in consultation with the
376 Commissioner of Energy and Environmental Protection, and
377 applications will not be considered if such certifications are found
378 inaccurate.

379 (c) To ensure a geographic distribution and a diversity of projects
380 and broad access to the brownfield remediation and revitalization
381 program, the commissioner, in consultation with the Commissioner of
382 Energy and Environmental Protection, shall review all applications
383 received and determine admission of eligible properties into the
384 brownfield remediation and revitalization program [based on] taking
385 into consideration state-wide portfolio factors including: (1) Job

386 creation and retention; (2) sustainability; (3) readiness to proceed; (4)
387 geographic distribution of projects; (5) population of the municipality
388 where the property is located; (6) project size; (7) project complexity;
389 (8) duration and degree to which the property has been underused; (9)
390 projected increase to the municipal grand list; (10) consistency of the
391 property as remediated and developed with municipal or regional
392 planning objectives; (11) development plan's support for and
393 furtherance of principles of smart growth or transit-oriented
394 development; and (12) other factors as may be determined by the
395 commissioner. Admittance into the brownfield remediation and
396 revitalization program shall not indicate approval or award of funding
397 requested under any federal, state or municipal grant or loan program,
398 including, but not limited to, any state brownfield grant or loan
399 program.

400 (d) The commissioner shall accept nominations of properties for
401 participation in the program established pursuant to subsection (b) of
402 this section [from] by a municipality or an economic development
403 agency, where no bona fide prospective purchaser, contiguous
404 property owner or innocent land owner has applied for participation
405 in the program. For a property to be considered for approval for
406 nomination to the program established pursuant to this section, a
407 municipality shall submit to the commissioner, on a form prescribed
408 by the commissioner, a certification that the property meets the
409 eligibility requirements provided in subdivisions (2) and (5) of
410 subsection (b) of this section and any other relevant factors, including
411 state-wide portfolio factors provided in subsection (c) of this section, as
412 may be determined by the commissioner. After the commissioner
413 approves a property's nomination, any subsequent applicant shall
414 apply in accordance with subsections (b) and (g) of this section. In any
415 such application, the applicant shall demonstrate it satisfies the
416 eligibility requirements provided in subdivisions (1), (3) and (4) of
417 subsection (b) of this section and shall demonstrate satisfaction of
418 subdivisions (2) and (5) of subsection (b) of this section for the period
419 after the commissioner's acceptance of the municipality's or economic

420 development agency's nomination of the property.

421 (e) (1) Properties otherwise eligible for the brownfield remediation
422 and revitalization program currently being investigated and
423 remediated in accordance with the state voluntary remediation
424 programs under sections 22a-133x and 22a-133y, the property transfer
425 program under section 22a-134 and the covenant not to sue programs
426 under section 22a-133aa or 22a-133bb [may participate] shall not be
427 excluded from eligibility in said program, provided the other
428 requirements set forth in this section are met.

429 (2) Properties otherwise eligible for the brownfield remediation and
430 revitalization program that have been subject to a release requiring
431 action pursuant to the PCB regulations or that have been subject to a
432 release requiring action pursuant to the UST regulations shall not be
433 deemed ineligible, but no provision of this section shall affect any
434 eligible party's obligation under such regulations to investigate or
435 remediate the extent of any such release.

436 (f) Inclusion of a property within the brownfield remediation and
437 revitalization program by the commissioner shall not limit any
438 person's ability to seek funding for such property under any federal,
439 state or municipal grant or loan program, including, but not limited to,
440 any state brownfield grant or loan program. Admittance into the
441 brownfield remediation and revitalization program shall not indicate
442 approval or award of funding requested under any federal, state or
443 municipal grant or loan program, including, but not limited to, any
444 state brownfield grant or loan program.

445 (g) Any applicant seeking a designation of eligibility for a person or
446 a property under the brownfield remediation and revitalization
447 program shall apply to the commissioner at such times and on such
448 forms as the commissioner may prescribe. The application shall
449 include, but not be limited to, (1) a title search, (2) the Phase I
450 Environmental Site Assessment conducted by or for the bona fide
451 prospective purchaser or the contiguous property owner, which shall

452 be prepared in accordance with [the Department of Energy and
453 Environmental Protection's Site Characterization Guidance Document]
454 prevailing standards and guidelines, (3) a current property inspection,
455 (4) documentation demonstrating satisfaction of the eligibility criteria
456 set forth in subsection (b) of this section, (5) information about the
457 project that relates to the state-wide portfolio factors set forth in
458 subsection (c) of this section, and (6) such other information as the
459 commissioner may request to determine admission.

460 (h) Any applicant accepted into the brownfield remediation and
461 revitalization program by the commissioner shall pay the
462 Commissioner of Energy and Environmental Protection a fee equal to
463 five per cent of the assessed value of the land, as stated on the last-
464 completed grand list of the relevant town. The fee shall be paid in two
465 installments, each equal to fifty per cent of such fee, subject to potential
466 reductions as specified in subsection (i) of this section. The first
467 installment shall be due [within] not later than one hundred eighty
468 days [of being] after the later of the date the eligible applicant is
469 notified that the application has been accepted by the commissioner or
470 the date that the eligible applicant takes title to the eligible property.
471 The second installment shall be due not later than four years [of being
472 notified that the application has been accepted by the commissioner]
473 after the acceptance date. Upon request by an eligible applicant, a
474 municipality or an economic development agency, the commissioner
475 may, at the commissioner's discretion, extend either or both of the
476 installment due dates. Such fee shall be deposited into the Special
477 Contaminated Property Remediation and Insurance Fund established
478 pursuant to section 22a-133t and shall be available for use by the
479 Commissioner of Energy and Environmental Protection pursuant to
480 section 22a-133u.

481 (i) (1) The first installment of the fee in subsection (h) of this section
482 shall be reduced by ten per cent for any eligible party that completes
483 and submits to the Commissioner of Energy and Environmental
484 Protection documentation, approved in writing by a licensed
485 environmental professional and on a form prescribed by said

486 commissioner, that the investigation of the property has been
487 completed in accordance with prevailing standards and guidelines
488 within one hundred eighty days after the date the application is
489 accepted by the commissioner.

490 (2) The second installment of the fee in subsection (h) of this section
491 shall be eliminated for any eligible party that submits the remedial
492 action report and verification or interim verification to the
493 Commissioner of Energy and Environmental Protection within four
494 years after the date the application is accepted by the commissioner. In
495 the event an eligible party submits a request for the Commissioner of
496 Energy and Environmental Protection's approval, where such approval
497 is required pursuant to the remediation standard and where said
498 commissioner issues a decision on such request beyond sixty days
499 after submittal, such four-year period shall be extended by the number
500 of days equal to the number of days between the sixtieth day and the
501 date a decision is issued by said commissioner, but not including the
502 number of days that a request by said commissioner for supplemental
503 information remains pending with the eligible party.

504 (3) The second installment of the fee in subsection (h) of this section
505 shall be reduced by, or any eligible party shall receive a refund in the
506 amount equal to, twice the reasonable environmental service costs of
507 such investigation, as determined by the Commissioner of Energy and
508 Environmental Protection, for any eligible party that completes and
509 submits to the Commissioner of Energy and Environmental Protection
510 documentation, approved in writing by a licensed environmental
511 professional and on a form that may be prescribed by said
512 commissioner, that the investigation of the nature and extent of any
513 contamination that has migrated from the property has been
514 completed in accordance with prevailing standards and guidelines.
515 Such refund shall not exceed the amount of the second installment of
516 the fee in subsection (h) of this section.

517 (4) No municipality or economic development agency seeking
518 designation of eligibility shall be required to pay a fee, provided, [the

519 municipality or economic development agency shall collect and] upon
520 transfer of the eligible property from the municipality or economic
521 development agency to an eligible person, that eligible person shall
522 pay to the Commissioner of Energy and Environmental Protection the
523 fee in subsection (h) of this section [upon transfer of the property to
524 another person for purposes of development] in accordance with the
525 applicable requirements in this subsection.

526 (5) A municipality or economic development agency may submit a
527 fee waiver request to the commissioner to waive a portion or the entire
528 fee for an eligible property [not owned by the municipality and]
529 located within that municipality. The commissioner, at [their] his or
530 her discretion, shall consider the following factors in determining
531 whether to approve a fee waiver or reduction: (A) Location of the
532 eligible project within a distressed municipality; (B) demonstration by
533 the municipality or economic development agency that the project is of
534 significant economic impact; (C) demonstration by the municipality or
535 economic development agency that the project has a significant
536 community benefit to the municipality; (D) demonstration that the
537 eligible party is a governmental or nonprofit entity; and (E)
538 demonstration that the fee required will have a detrimental effect on
539 the overall success of the project.

540 (j) [A person] An applicant whose application has been accepted
541 into the brownfield remediation and revitalization program shall not
542 be liable to the state or any third party for the release of any regulated
543 substance at or from the eligible property, except and only to the
544 extent that such applicant (A) caused or contributed to the release of a
545 regulated substance that is subject to remediation or exacerbated such
546 condition, or (B) the Commissioner of Energy and Environmental
547 Protection determines the existence of any of the conditions set forth in
548 subdivision (4) of subsection (n) of this section.

549 (k) (1) [A person] An applicant whose application to the brownfield
550 remediation and revitalization program has been accepted by the
551 commissioner (A) shall investigate the release or threatened release of

552 any regulated substance within the boundaries of the property in
553 accordance with prevailing standards and guidelines and remediate
554 such release or threatened release within the boundaries of such
555 property in accordance with the brownfield investigation plan and
556 remediation schedule and this section, and (B) shall not be required to
557 characterize, abate and remediate the release of a regulated substance
558 beyond the boundary of the eligible property, except for releases
559 caused or contributed to by such [person] applicant.

560 (2) Not later than one hundred eighty days after the [commissioner
561 accepts the application] first installment due date, including any
562 extension thereof by the commissioner, of the fee required pursuant to
563 subsection (h) of this section, the eligible party shall submit to the
564 commissioner and the Commissioner of Energy and Environmental
565 Protection a brownfield investigation plan and remediation schedule
566 that is signed and stamped by a licensed environmental professional.
567 Unless otherwise approved in writing by the Commissioner of Energy
568 and Environmental Protection, the eligible party shall submit a
569 brownfield investigation plan and remediation schedule which
570 provides that the investigation shall be completed [within two years of
571 the application being accepted by the commissioner] not later than two
572 years after the first installment due date, including any extension
573 thereof by the commissioner, of the fee required pursuant to
574 subsection (h) of this section, remediation shall be initiated not later
575 than three years from the [date of the application being accepted by the
576 commissioner] first installment due date, including any extension
577 thereof by the commissioner, of the fee required pursuant to
578 subsection (h) of this section and remediation shall be completed
579 sufficiently to support either a verification or interim verification
580 [within eight years of the application being accepted by the
581 commissioner] not later than five years after the first installment due
582 date, including any extension thereof by the commissioner, of the fee
583 required pursuant to subsection (h) of this section. The schedule shall
584 also include a schedule for providing public notice of the remediation
585 prior to the initiation of such remediation in accordance with

586 subdivision (1) of subsection (k) of this section. Not later than two
587 years after the [application is accepted by the commissioner] first
588 installment due date, including any extension thereof by the
589 commissioner, of the fee required pursuant to subsection (h) of this
590 section, unless the Commissioner of Energy and Environmental
591 Protection has specified a later day, in writing, the eligible party shall
592 submit to the Commissioner of Energy and Environmental Protection
593 documentation, approved in writing by a licensed environmental
594 professional and in a form prescribed by the Commissioner of Energy
595 and Environmental Protection, that the investigation of the property
596 has been completed in accordance with prevailing standards and
597 guidelines. Not later than three years after the [application is accepted
598 by the commissioner] first installment due date, including any
599 extension thereof by the commissioner, of the fee required pursuant to
600 subsection (h) of this section, unless the Commissioner of Energy and
601 Environmental Protection has specified a later day, in writing, the
602 eligible party shall notify the Commissioner of Energy and
603 Environmental Protection and the commissioner in a form prescribed
604 by the Commissioner of Energy and Environmental Protection that the
605 remediation has been initiated, and shall submit to the Commissioner
606 of Energy and Environmental Protection a remedial action plan,
607 approved in writing by a licensed environmental professional in a
608 form prescribed by the Commissioner of Energy and Environmental
609 Protection. Not later than eight years after the [application is accepted
610 by the commissioner] first installment due date, including any
611 extension thereof by the commissioner, of the fee required pursuant to
612 subsection (h) of this section, unless the Commissioner of Energy and
613 Environmental Protection has specified a later day, in writing, the
614 eligible party shall complete remediation of the property and submit
615 the remedial action report and verification or interim verification to the
616 Commissioner of Energy and Environmental Protection and the
617 commissioner. The Commissioner of Energy and Environmental
618 Protection shall grant a reasonable extension if the eligible party
619 demonstrates to the satisfaction of the Commissioner of Energy and
620 Environmental Protection that: (A) Such eligible party has made

621 reasonable progress toward investigation and remediation of the
622 eligible property; and (B) despite best efforts, circumstances beyond
623 the control of the eligible party have significantly delayed the
624 remediation of the eligible property.

625 (3) An eligible party who submits an interim verification for an
626 eligible property, and any subsequent owner of such eligible property,
627 shall, until the remediation standards for groundwater are achieved,
628 (A) operate and maintain the long-term remedy for groundwater in
629 accordance with the remedial action plan, the interim verification and
630 any approvals issued by the Commissioner of Energy and
631 Environmental Protection, (B) prevent exposure to any groundwater
632 plume containing a regulated substance in excess of the remediation
633 standards on the property, (C) take all reasonable action to contain any
634 groundwater plume on the property, and (D) submit annual status
635 reports to the Commissioner of Energy and Environmental Protection
636 and the commissioner.

637 (4) Before commencement of remedial action pursuant to the plan
638 and schedule, the eligible party shall: (A) Publish notice of the
639 remedial action in a newspaper having a substantial circulation in the
640 town where the property is located, (B) notify the director of health of
641 the municipality where the property is located, and (C) either (i) erect
642 and maintain for at least thirty days in a legible condition a sign not
643 less than six feet by four feet on the property, which shall be clearly
644 visible from the public highway and shall include the words
645 "ENVIRONMENTAL CLEAN-UP IN PROGRESS AT THIS SITE. FOR
646 FURTHER INFORMATION CONTACT:" and include a telephone
647 number for an office from which any interested person may obtain
648 additional information about the remedial action, or (ii) mail notice of
649 the remedial action to each owner of record of property which abuts
650 such property, at the address on the last-completed grand list of the
651 relevant town. Public comments shall be directed to the eligible party
652 for a thirty-day period starting with the last provided public notice
653 provision and such eligible party shall provide all comments and any
654 responses to the Commissioner of Energy and Environmental

655 Protection prior to commencing remedial action.

656 (5) The remedial action shall be conducted under the supervision of
657 a licensed environmental professional and the remedial action report
658 shall be submitted to the commissioner and the Commissioner of
659 Energy and Environmental Protection signed and stamped by a
660 licensed environmental professional. In such report, the licensed
661 environmental professional shall include a detailed description of the
662 remedial actions taken and issue a verification or interim verification,
663 in which he or she shall render an opinion, in accordance with the
664 standard of care provided in subsection (c) of section 22a-133w, that
665 the action taken to contain, remove or mitigate the release of regulated
666 substances within the boundaries of such property is in accordance
667 with the remediation standards.

668 (6) All applications for permits required to implement such plan
669 and schedule in this section shall be submitted to the permit
670 ombudsman within the Department of Economic and Community
671 Development.

672 (7) Each eligible party participating in the brownfield remediation
673 and revitalization program shall maintain all records related to its
674 implementation of such plan and schedule and completion of the
675 remedial action of the property for a period of not less than ten years
676 and shall make such records available to the commissioner or the
677 Commissioner of Energy and Environmental Protection at any time
678 upon request by either.

679 (8) (A) Within sixty days of receiving a remedial action report
680 signed and stamped by a licensed environmental professional and a
681 verification or interim verification, the Commissioner of Energy and
682 Environmental Protection shall notify the eligible party and the
683 commissioner whether the Commissioner of Energy and
684 Environmental Protection will conduct an audit of such remedial
685 action. Any such audit shall be conducted not later than one hundred
686 eighty days after the Commissioner of Energy and Environmental

687 Protection receives a remedial action report signed and stamped by a
688 licensed environmental professional and a verification or interim
689 verification. Within fourteen days of completion of an audit, the
690 Commissioner of Energy and Environmental Protection shall send
691 written audit findings to the eligible party, the commissioner and the
692 licensed environmental professional. The audit findings may approve
693 or disapprove the report, provided any disapproval shall set forth the
694 reasons for such disapproval.

695 (B) The Commissioner of Energy and Environmental Protection may
696 request additional information during an audit conducted pursuant to
697 this subdivision. If such information has not been provided to said
698 commissioner within fourteen days of such request, the time frame for
699 said commissioner to complete the audit shall be suspended until the
700 information is provided to said commissioner. The Commissioner of
701 Energy and Environmental Protection may choose to conduct such
702 audit if and when the eligible party fails to provide a response to said
703 commissioner's request for additional information within sixty days.

704 (C) The Commissioner of Energy and Environmental Protection
705 shall not conduct an audit of a verification or interim verification
706 pursuant to this subdivision after one hundred eighty days from
707 receipt of such verification unless (i) said commissioner has reason to
708 believe that a verification was obtained through the submittal of
709 materially inaccurate or erroneous information, or otherwise
710 misleading information material to the verification or that material
711 misrepresentations were made in connection with the submittal of the
712 verification, (ii) any post-verification monitoring or operations and
713 maintenance is required as part of a verification and has not been
714 done, (iii) a verification that relies upon an environmental land use
715 restriction was not recorded on the land records of the municipality in
716 which such land is located in accordance with section 22a-133o and
717 applicable regulations, (iv) said commissioner determines that there
718 has been a violation of law material to the verification, or (v) said
719 commissioner determines that information exists indicating that the
720 remediation may have failed to prevent a substantial threat to public

721 health or the environment for releases on the property.

722 (l) Not later than sixty days after receiving a notice of disapproval or
723 a verification or interim verification from the Commissioner of Energy
724 and Environmental Protection, the eligible party shall submit to said
725 commissioner and to the commissioner a report of cure of noted
726 deficiencies. Within sixty days after receiving such report of cure of
727 noted deficiencies by said commissioner, said commissioner shall issue
728 a successful audit closure letter or a written disapproval of such report
729 of cure of noted deficiencies.

730 (m) Before approving a verification or interim verification, the
731 Commissioner of Energy and Environmental Protection may enter into
732 a memorandum of understanding with the eligible party with regard
733 to any further remedial action or monitoring activities on or at such
734 property that said commissioner deems necessary for the protection of
735 human health or the environment.

736 (n) (1) An eligible party who has been accepted into the brownfield
737 remediation and revitalization program shall have no obligation as
738 part of its plan and schedule to characterize, abate and remediate any
739 plume of a regulated substance outside the boundaries of the subject
740 property, provided the notification requirements of section 22a-6u
741 pertaining to significant environmental hazards shall continue to apply
742 to the property and the eligible party shall not be required to
743 characterize, abate or remediate any such significant environmental
744 hazard outside the boundaries of the subject property unless such
745 significant environmental hazard arises from the actions of the eligible
746 party after its acquisition of or control over the property from which
747 such significant environmental hazard has emanated outside its own
748 boundaries. If an eligible party who has been accepted into the
749 brownfield remediation and revitalization program conveys or
750 otherwise transfers its ownership of the subject property and such
751 eligible party is in compliance with the provisions of this section and
752 the brownfield investigation plan and remediation schedule at the time
753 of conveyance or transfer of ownership, the provisions of this section

754 shall apply to such transferee, if such transferee meets the eligibility
755 criteria set forth in this section, pays the fee required by subsection (h)
756 of this section and complies with all the obligations undertaken by the
757 eligible party under this section. In such case, all references to
758 applicant or eligible party shall mean the subsequent owner or
759 transferee.

760 (2) After the Commissioner of Energy and Environmental Protection
761 issues either a no audit letter or a successful audit closure letter, or no
762 audit decision has been made by said commissioner within one
763 hundred eighty days after the submittal of the remedial action report
764 and verification or interim verification, such eligible party shall not be
765 liable to the state or any third party for (A) costs incurred in the
766 remediation of, equitable relief relating to, or damages resulting from
767 the release of regulated substances addressed in the brownfield
768 investigation plan and remediation schedule, and (B) historical off-site
769 impacts including air deposition, waste disposal, impacts to sediments
770 and natural resource damages. No eligible party shall be afforded any
771 relief from liability such eligible party may have from a release
772 requiring action pursuant to the PCB regulations or a release requiring
773 action pursuant to the UST regulations.

774 (3) The provisions of this section concerning liability shall extend to
775 any person who acquires title to all or part of the property for which a
776 remedial action report and verification or interim verification have
777 been submitted pursuant to this section, provided (A) there is payment
778 of a fee of ten thousand dollars to said commissioner for each such
779 extension, (B) such person acquiring all or part of the property meets
780 the criteria of this section, and (C) the Commissioner of Energy and
781 Environmental Protection has issued either a successful audit closure
782 letter or no audit letter, or no audit decision has been made by said
783 commissioner within one hundred eighty days after the submittal of
784 the remedial action report and verification or interim verification. No
785 municipality or economic development agency that acquires title to all
786 or part of the property shall be required to pay a fee, provided the
787 municipality or economic development agency shall collect and pay

788 the fee upon transfer of the property to another person for purposes of
789 development. Such fee shall be deposited into the Special
790 Contaminated Property Remediation and Insurance Fund established
791 under section 22a-133t and such funds shall be for the exclusive use by
792 the Department of Energy and Environmental Protection.

793 (4) Neither a successful audit closure nor no audit letter issued
794 pursuant to this section, nor the expiration of one hundred eighty days
795 after the submittal of the remedial action report and verification or
796 interim verification without an audit decision by the Commissioner of
797 Energy and Environmental Protection, shall preclude said
798 commissioner from taking any appropriate action, including, but not
799 limited to, any action to require remediation of the property by the
800 eligible party or, as applicable, to its successor, if said commissioner
801 determines that:

802 (A) The successful audit closure, no audit letter, or the expiration of
803 one hundred eighty days after the submittal of the remedial action
804 report and verification or interim verification without an audit
805 decision by the Commissioner of Energy and Environmental
806 Protection was based on information provided by the person
807 submitting such remedial action report and verification or interim
808 verification that the Commissioner of Energy and Environmental
809 Protection can show that such person knew, or had reason to know,
810 was false or misleading, and, in the case of the successor to an
811 applicant, that such successor was aware or had reason to know that
812 such information was false or misleading;

813 (B) New information confirms the existence of previously unknown
814 contamination that resulted from a release that occurred before the
815 date that an application has been accepted into the brownfield
816 remediation and revitalization program;

817 (C) The eligible party who received the successful audit closure or
818 no audit letter or where one hundred eighty days lapsed without an
819 audit decision by the Commissioner of Energy and Environmental

820 Protection has materially failed to complete the remedial action
821 required by the brownfield investigation plan and remediation
822 schedule or to carry out or comply with monitoring, maintenance or
823 operating requirements pertinent to a remedial action including the
824 requirements of any environmental land use restriction; or

825 (D) The threat to human health or the environment is increased
826 beyond an acceptable level due to substantial changes in exposure
827 conditions at such property, including, but not limited to, a change
828 from nonresidential to residential use of such property.

829 (5) If an eligible party who has been accepted into the brownfield
830 remediation and revitalization program conveys or otherwise transfers
831 all or part of its ownership interest in the subject property at any time
832 before the issuance of a successful audit closure or no audit letter or
833 the expiration of one hundred eighty days after the submittal of the
834 remedial action report and verification or interim verification without
835 an audit decision by the Commissioner of Energy and Environmental
836 Protection, the eligible party conveying or otherwise transferring its
837 ownership interest shall not be liable to the state or any third party for
838 (A) costs incurred in the remediation of, equitable relief relating to, or
839 damages resulting from the release of regulated substances addressed
840 in the brownfield investigation plan and remediation schedule, and (B)
841 historical off-site impacts including air deposition, waste disposal,
842 impacts to sediments and natural resource damages, provided the
843 eligible party complied with its obligations under this section during
844 the period when the eligible party held an ownership interest in the
845 subject property. Nothing in this subsection shall provide any relief
846 from liability such eligible party may have related to a release
847 requiring action pursuant to the PCB regulations, or a release requiring
848 action pursuant to the UST regulations.

849 (6) Upon the Commissioner of Energy and Environmental
850 Protection's issuance of a successful audit closure letter, no audit letter,
851 or one hundred eighty days have passed since the submittal of a
852 verification or interim verification and said commissioner has not

853 audited the verification or interim verification, the immediate prior
854 owner regardless of its own eligibility to participate in the
855 comprehensive brownfield remediation and revitalization program
856 shall have no liability to the state or any third party for any future
857 investigation and remediation of the release of any regulated substance
858 at the eligible property addressed in the verification or interim
859 verification, provided the immediate prior owner has complied with
860 any legal obligation such owner had with respect to investigation and
861 remediation of releases at and from the property, and provided further
862 the immediate prior owner shall retain any and all liability such
863 immediate prior owner would otherwise have for the investigation
864 and remediation of the release of any regulated substance beyond the
865 boundary of the eligible property. In any event, the immediate prior
866 owner shall remain liable for (A) penalties or fines, if any, relating to
867 the release of any regulated substance at or from the eligible property,
868 (B) costs and expenses, if any, recoverable or reimbursable pursuant to
869 sections 22a-134b, 22a-451 and 22a-452, and (C) obligations of the
870 immediate prior owner as a certifying party on a Form III or IV
871 submitted pursuant to sections 22a-134 to 22a-134e, inclusive.

872 (o) A person whose application to the brownfield remediation and
873 revitalization program has been accepted by the commissioner or any
874 subsequent eligible party whose application to the brownfield
875 remediation and revitalization program has been accepted by the
876 commissioner shall be exempt for filing as an establishment pursuant
877 to sections 22a-134a to 22a-134d, inclusive, if such real property or
878 prior business operations constitute an establishment. Nothing in this
879 section shall be construed to alter any existing legal requirement
880 applicable to any certifying party at a property under sections 22a-134
881 and 22a-134a to 22a-134e, inclusive.

882 (p) Notwithstanding the provisions of this section, eligible parties
883 shall investigate and remediate, and remain subject to all applicable
884 statutes and requirements, the extent of any new release that occurs
885 during their ownership of the property.

886 Sec. 7. Subsection (b) of section 13 of public act 11-57 is amended to
887 read as follows (*Effective July 1, 2012*):

888 (b) For the Department of Economic and Community Development:
889 Regional brownfield redevelopment grant and loan fund to provide
890 funding for the brownfield programs established pursuant to section
891 32-9kk, as amended by this act, and the staffing and marketing of such
892 programs, not exceeding \$25,000,000.

893 Sec. 8. Subsection (b) of section 32 of public act 11-57 is amended to
894 read as follows (*Effective July 1, 2012*):

895 (b) For the Department of Economic and Community Development:
896 Regional brownfield redevelopment grant and loan fund to provide
897 funding for the brownfield programs established pursuant to section
898 32-9kk, as amended by this act, and the staffing and marketing of such
899 programs, not exceeding \$25,000,000.

900 Sec. 9. Section 2 of public act 10-135, as amended by section 15 of
901 public act 11-141, is repealed and the following is substituted in lieu
902 thereof (*Effective from passage*):

903 (a) There is established a working group to examine the remediation
904 and development of brownfields in this state, including, but not
905 limited to, the remediation scheme for such properties, permitting
906 issues and liability issues, including those set forth by sections 22a-14
907 to 22a-20, inclusive, of the general statutes.

908 (b) The working group shall consist of the following thirteen
909 members, each of whom shall have expertise related to brownfield
910 redevelopment in environmental law, engineering, finance,
911 development, consulting, insurance or another relevant field:

912 (1) Four appointed by the Governor;

913 (2) One appointed by the president pro tempore of the Senate;

914 (3) One appointed by the speaker of the House of Representatives;

- 915 (4) One appointed by the majority leader of the Senate;
- 916 (5) One appointed by the majority leader of the House of
917 Representatives;
- 918 (6) One appointed by the minority leader of the Senate;
- 919 (7) One appointed by the minority leader of the House of
920 Representatives;
- 921 (8) The Commissioner of Economic and Community Development
922 or the commissioner's designee, who shall serve ex officio;
- 923 (9) The Commissioner of Energy and Environmental Protection or
924 the commissioner's designee, who shall serve ex officio; and
- 925 (10) The Secretary of the Office of Policy and Management or the
926 secretary's designee, who shall serve ex officio.
- 927 (c) Any member of the working group as of the effective date of this
928 section shall continue to serve and all new appointments to the
929 working group shall be made no later than thirty days after the
930 effective date of this section. Any vacancy shall be filled by the
931 appointing authority.
- 932 (d) The working group shall select chairpersons of the working
933 group. Such chairpersons shall schedule the first meeting of the
934 working group, which shall be held no later than sixty days after the
935 effective date of this section.
- 936 (e) On or before January 15, [2012] 2013, the working group shall
937 report, in accordance with the provisions of section 11-4a of the general
938 statutes, on its findings and recommendations to the Governor and the
939 joint standing committees of the General Assembly having cognizance
940 of matters relating to commerce and the environment.
- 941 Sec. 10. Section 32-9cc of the 2012 supplement to the general statutes
942 is repealed and the following is substituted in lieu thereof (*Effective*

943 *from passage):*

944 (a) There is established, within the Department of Economic and
945 Community Development, an Office of Brownfield Remediation and
946 Development. Such office shall be managed by a director, appointed
947 by the commissioner in accordance with section 5-198, as amended by
948 this act. In addition to the other powers, duties and responsibilities
949 provided for in this chapter, the office shall promote and encourage
950 the development and redevelopment of brownfields in the state. The
951 Office of Brownfield Remediation and Development shall coordinate
952 and cooperate with state and local agencies and individuals within the
953 state on brownfield redevelopment initiatives, including program
954 development and administration, community outreach, regional
955 coordination and seeking federal funding opportunities.

956 (b) The office shall:

957 (1) Develop procedures and policies for streamlining the process for
958 brownfield remediation and development;

959 (2) Identify existing and potential sources of funding for brownfield
960 remediation and develop procedures for expediting the application for
961 and release of such funds;

962 (3) Establish an office and maintain an informational Internet web
963 site to provide assistance and information concerning the state's
964 technical assistance, funding, regulatory and permitting programs;

965 (4) Provide a single point of contact for financial and technical
966 assistance from the state and quasi-public agencies;

967 (5) Develop a common application to be used by all state and quasi-
968 public entities providing financial assistance for brownfield
969 assessment, remediation and development;

970 (6) Identify and prioritize state-wide brownfield development
971 opportunities, including, but not limited to, in consultation with the
972 State Historic Preservation Office, municipal officials and regional

973 planning organizations, the identification of abandoned and
974 underutilized mills that are important assets to the municipality or the
975 region in which such mills are located;

976 (7) Develop and execute a communication and outreach program to
977 educate municipalities, economic development agencies, property
978 owners and potential property owners and other organizations and
979 individuals with regard to state programs for brownfield remediation
980 and redevelopment;

981 (8) At the office's discretion, enter into cooperative agreements with
982 qualified implementing agencies and may, where appropriate, make
983 grants to these organizations for the purpose of designing,
984 implementing and supervising brownfield assessment and cleanups,
985 or making further subgrants, provided each subgrant is in compliance
986 with the terms and conditions of the original grant; and

987 (9) Create and maintain a web site independent of the department's
988 other web sites that is specifically dedicated to marketing and
989 promoting state-owned brownfields, and develop and implement a
990 marketing campaign for such brownfields and web site.

991 (c) Subject to the availability of funds, there shall be a state-funded
992 municipal brownfield grant program to identify brownfield
993 remediation economic opportunities in Connecticut municipalities
994 annually. For each round of funding, the Commissioner of Economic
995 and Community Development may select at least six municipalities,
996 one of which shall have a population of less than fifty thousand, one of
997 which shall have a population of more than fifty thousand but less
998 than one hundred thousand, two of which shall have populations of
999 more than one hundred thousand and two of which shall be selected
1000 without regard to population. The Commissioner of Economic and
1001 Community Development shall designate municipalities in which
1002 untreated brownfields hinder economic development and shall make
1003 grants under such program to these municipalities or economic
1004 development agencies associated with each of the selected

1005 municipalities that are likely to produce significant economic
1006 development benefit for the designated municipality.

1007 (d) The Department of Energy and Environmental Protection, the
1008 Connecticut Development Authority, the Office of Policy and
1009 Management and the Department of Public Health shall each
1010 designate one or more staff members to act as a liaison between their
1011 offices and the Office of Brownfield Remediation and Development.
1012 The Commissioners of Economic and Community Development,
1013 Energy and Environmental Protection and Public Health, the Secretary
1014 of the Office of Policy and Management and the executive director of
1015 the Connecticut Development Authority shall enter into a
1016 memorandum of understanding concerning each entity's
1017 responsibilities with respect to the Office of Brownfield Remediation
1018 and Development. The Office of Brownfield Remediation and
1019 Development may recruit two volunteers from the private sector,
1020 including a person from the Connecticut chapter of the National
1021 Brownfield Association, with experience in different aspects of
1022 brownfield remediation and development. Said volunteers may assist
1023 the Office of Brownfield Remediation and Development in marketing
1024 the brownfields programs and redevelopment activities of the state.

1025 (e) The Office of Brownfield Remediation and Development may
1026 call upon any other department, board, commission or other agency of
1027 the state to supply such reports, information and assistance as said
1028 office determines is appropriate to carry out its duties and
1029 responsibilities. Each officer or employee of such office, department,
1030 board, commission or other agency of the state is authorized and
1031 directed to cooperate with the Office of Brownfield Remediation and
1032 Development and to furnish such reports, information and assistance.

1033 (f) Brownfield sites identified for funding under the grant program
1034 established in subsection (c) of this section shall receive priority review
1035 status from the Department of Energy and Environmental Protection.
1036 Each property funded under this program shall be investigated in
1037 accordance with prevailing standards and guidelines and remediated

1038 in accordance with the regulations established for the remediation of
1039 such sites adopted by the Commissioner of Energy and Environmental
1040 Protection or pursuant to section 22a-133k and under the supervision
1041 of the department or a licensed environmental professional in
1042 accordance with the voluntary remediation program established in
1043 section 22a-133x. In either event, the department shall determine that
1044 remediation of the property has been fully implemented or that an
1045 audit will not be conducted upon submission of a report indicating
1046 that remediation has been verified by an environmental professional
1047 licensed in accordance with section 22a-133v. Not later than ninety
1048 days after submission of the verification report, the Commissioner of
1049 Energy and Environmental Protection shall notify the municipality or
1050 economic development agency as to whether the remediation has been
1051 performed and completed in accordance with the remediation
1052 standards, whether an audit will not be conducted, or whether any
1053 additional remediation is warranted. For purposes of acknowledging
1054 that the remediation is complete, the commissioner or a licensed
1055 environmental professional may indicate that all actions to remediate
1056 any pollution caused by any release have been taken in accordance
1057 with the remediation standards and that no further remediation is
1058 necessary to achieve compliance except postremediation monitoring or
1059 natural attenuation monitoring.

1060 (g) All relevant terms in this subsection, subsection (h) of this
1061 section and sections 32-9dd to 32-9ff, inclusive, shall be defined in
1062 accordance with the definitions in chapter 445. For purposes of
1063 subdivision (12) of subsection (a) of section 32-9t, this subsection,
1064 subsection (h) of this section and sections 32-9dd to 32-9gg, inclusive,
1065 "brownfields" means any abandoned or underutilized site where
1066 redevelopment, reuse or expansion has not occurred due to the
1067 presence or potential presence of pollution in the buildings, soil or
1068 groundwater that requires investigation or remediation before or in
1069 conjunction with the restoration, redevelopment, reuse and expansion
1070 of the property.

1071 (h) The Departments of Economic and Community Development

1072 and Energy and Environmental Protection shall administer the
 1073 provisions of subdivision (1) of section 22a-134, section 32-1m,
 1074 subdivision (12) of subsection (a) of section 32-9t and sections 32-9cc to
 1075 32-9gg, inclusive, within available appropriations and any funds
 1076 allocated pursuant to sections 4-66c, 22a-133t and 32-9t.

1077 Sec. 11. Section 5-198 of the general statutes is amended by adding
 1078 subsection (dd) as follows (*Effective from passage*):

1079 (NEW) (dd) The director for brownfield remediation and
 1080 development activities in the Office of Brownfield Remediation and
 1081 Development within the Department of Economic and Community
 1082 Development."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2012</i>	32-9kk(a)
Sec. 2	<i>July 1, 2012</i>	32-9kk(f)
Sec. 3	<i>July 1, 2012</i>	32-9kk(j)
Sec. 4	<i>July 1, 2012</i>	32-9kk(l)
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>July 1, 2012</i>	32-9mm
Sec. 7	<i>July 1, 2012</i>	PA 11-57, Sec. 13(b)
Sec. 8	<i>July 1, 2012</i>	PA 11-57, Sec. 32(b)
Sec. 9	<i>from passage</i>	PA 10-135, Sec. 2
Sec. 10	<i>from passage</i>	32-9cc
Sec. 11	<i>from passage</i>	5-198